

### **REMARKS/ARGUMENTS**

Responsive to the objections set forth against the drawings, Fig. 1 has been amended to include numeral 32, and the specification has been amended and now identifies channel regions with numeral 24. Withdrawal of the objections is requested.

Responsive to the rejection of claims 11-18 under 35 U.S.C. §112, first paragraph, claim 11 has been amended and no longer calls for a silicon substrate. Regarding the rejection to the use of epitaxially grown silicon, the Examiner's attention is drawn to the specification, page 2, paragraph [0007], line 2 and page 4, paragraph [0018], line 2, where silicon is mentioned instead of epitaxial layer 13. It is submitted that one skilled in the art would gather from the specification that epitaxial layer 13 is comprised of silicon. Reconsideration is requested.

Responsive to the objection set forth against claim 18, claim 18 has been amended according to the Examiner's suggestions. Withdrawal of the objections is requested.

Claim 11 has been rejected as anticipated by Hshieh et al. Reconsideration is requested.

It has been asserted that Hshieh et al. teach all of the limitations of claim 11 including a "lateral gate structure over each lateral channel". However, claim 11 calls for "forming a horizontally oriented gate structure over said epitaxially grown silicon layer and at least each channel region". On the other hand, Hshieh et al. only show trench type devices in which the gate structures are vertically oriented and do not extend over, but extend into the epitaxial silicon layer. The language "horizontally oriented" was added to claim 11 after a telephone discussion with the Examiner to specify that a process according to the present invention relates to devices with lateral channels, rather than vertical channels, such as devices shown by Hshieh et al.

Furthermore, Hshieh et al. do not teach the step of implanting dopants of a second conductivity in all of the active area prior to forming the channel region, as called for by claim 11. Hshieh et al. only show a single step of implanting dopants of the second conductivity in all of the active regions. (See Fig. 7F). This step is directed at forming the channel region 50. The teachings of Hshieh et al. do not anticipate claim 11 for at least the foregoing reasons. Reconsideration is requested.

Claims 12-18 depend from claim 11. Each of these claims includes limitations which in combination with those of claim 11 are not shown or suggested by the art of record.

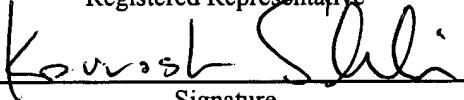
Reconsideration is requested.

The application is believed to be in condition for allowance. Such action is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 28, 2004

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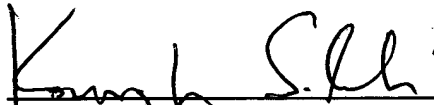


Signature

September 28, 2004

Date of Signature

Respectfully submitted,



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### **AMENDMENT TO THE DRAWINGS**

Figs. 1 has been amended. The attached sheet of formal drawings replaces the original sheet including Figs. 1 and 2.